COMMONWEALTH OF MASSACHUSETTS TRIAL COURT OF THE COMMONWEALTH

| HAMPDEN, ss | HOUSING COURT DEPARTMENT CIVIL ACTION NO. 13-CV-999 |
|---|--|
| City of Springfield Code Enforcement | |
| Department, Housing Division Plaintiff |)) |
| v. |)) |
| Michael Spillane, (owner),et al Defendants |))) |

Re: 33 Lorimer Street, Indian Orchard, MA

RECEIVER'S MOTION TO AMEND REHABILITATION PLAN

Now comes the Receiver, Ming Tsang and moves this Honorable Court to approve the attached Amended Rehabilitation Plan for the property located at 33 Lorimer Street, Indian Orchard, MA.

The Receiver, Ming Tsang, By Her Attorney,

Date: October 23, 2014

Christopher C. Johnson, BBO#548416 Johnson, Sclafani & Moriarty

776 Westfield Street

West Springfield, MA 01089

(413) 732-8356 - telephone

(413) 439-0480 - facsimile

NOTICE OF HEARING

Please be advised that the undersigned shall bring the Receiver's Motion To Amend Rehabilitation Plan before the Hampden County Housing Court on <u>Friday, October 31, 2014</u> at <u>9:30</u> <u>A.M.</u> or as soon thereafter as Counsel may be heard.

Date: October 23, 2014

Christopher C. Johnson

CERTIFICATE OF SERVICE

I, Christopher C. Johnson, counsel for Ming Tsang, the Receiver hereby certify that on this 23rd day of October, 2014, I served a copy of the foregoing Receiver's Motion to Amend Rehabilitation Plan to the following:

- 1. Lisa C. deSousa, Esq., Associate City Solicitor, City of Springfield Law Department, 233 Allen Street, Bldg A, Springfield, MA 01108 (via e-mail);
- 2. Michael Spillane, Inmate #137417, Hampden County Jail, 627 Randall Road, Ludlow, MA 01056 (via first class mail, postage prepaid); and
- 3. Christina E. Glass, Esq., counsel for Bank of America, N.A., Schectman Halperin Savage, LLP, 1080 Main Street, Pawtucket, RI 02860 (via e-mail).

Date: October 23, 2014

Christopher C. Johnson

Rehabilitation Plan Amendments for

33 Lorimer Street, Springfield, MA

During the rehabilitation, the Receiver has encountered a few problems that were not included in its original Rehabilitation Plan. They are the following:

<u>Termite Damage</u>: The termite problem was discovered after the basement walls were removed. The support beam on the corner of the basement was damaged and maze-like termite tunnels were discovered. Need to order termite treatment and to rebuild the support beam.

<u>Estimated Cost:</u> \$ 1,800.00

<u>Asbestos</u>: A couple sections of the asbestos wrapped pipes were loose. It is more cost effective to remove the asbestos versus having the asbestos covering repaired by licensed technician.

Estimated Cost: \$ 1,500.00

<u>Oil Tank</u>: Since the defective oil heating system will be changed to a natural gas fired system, the oil tank needs to be removed to meet code.

Estimated Cost: \$ 950.00

<u>Storm Windows</u>: 11 storm windows are damaged and do not operate easily. They need to be replaced. New window frames will need to be constructed to fit the new storm windows.

Estimated Cost: \$ 1,635.00

<u>Gutters</u>: During the rehabilitation, I discovered the rain water always drains to the basement due to no gutter system. Need to install gutters to prevent this problem.

Estimated Cost: \$ 1,560.00

Total Estimated Cost of Amendments: \$ 7,445.00

Original Rehabilitation Plan Estimate: \$ 69,925.00*

*Boiler: In the opinion of the plumber, the old boiler is defective and must be replaced. It will be replaced by a natural gas fired boiler. The original plan had a range of \$64,225.00 to \$69,925.00 depending on whether the boiler was replaced.

TOTAL AMENDED REHABILITATION ESTIMATE: \$ 77,370.00*

(* does not include attorneys fees, insurance, utilities and costs associated with foreclosing on Receiver's lien)